UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,542	10/17/2005	Shinkichi Ikeda	MAT-8765US	1859

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EXAMINER
LAU, YUNGSANG

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 June 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _17 October 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/18/2009 has been entered.

Response to Arguments

2.   Applicant's arguments filed 5/18/2009 have been fully considered but they are not persuasive.

On p.1 of applicant's remarks, applicant argued that Yamada does not teach a step of acquiring a judgment of the user whether to switch to the selected home agent or not; a step of generating a home address from the prefix distributed by the selected home agent when receiving the judgment of the user to switch to the selected home agent.

In response, Yamada indeed teaches a step of acquiring a judgment of the user whether to switch to the selected home agent or not (p.5, [0068], [0069]); a step of generating a home address from the prefix distributed by the selected home agent when receiving the judgment of the user to switch to the selected home agent (p.5, [0077]). In particular, when the mobile node judges whether the conditions are being satisfied or not, it is processing a judgment from the user of the mobile node (p.5, [0069]).

On p.2-3 of applicant's remarks, applicant argued that Yamada does not teach indicating in the list of routers whether each home agent from among the routers has capability to accommodate a mobile router; establishing a connection of the mobile router to another home agent that does not have the capability to accommodate the mobile router when the mobile router changes operations from those of a mobile router function to those of a mobile terminal function.

In response, Yamada indeed teaches indicating in the list of routers whether each home agent from among the routers has capability to accommodate a mobile router (p.3, [0042]); establishing a connection of the mobile router to another home agent that does not have the capability to accommodate the mobile router when the mobile router changes operations from those of a mobile router function to those of a mobile terminal function (p.4, [0055], [0056]). In particular, the mobile node selects a home agent based on the address and priority on the list (p.3, [0053]). The mobile node will establish a connection to a home agent that can directly send to the destination address.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-9, 11-14, 16, 17, 19-23, 32 and 33** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0176095 A1 to Yamada *et al.* ("Yamada").

As to **claim 1**, Yamada discloses an address information setting method comprising: a step of detecting user input from a user (p.5, [0068]); a step of selecting a home agent to manage a mobile terminal from among routers to which the mobile terminal is connected, the selected home agent being chosen from a list of the routers responsive to the detected user input (p.5, [0070]); a step of acquiring a judgment of the user whether to switch to the selected home agent or not (p.5, [0068], [0069]); a step of generating a home address from the prefix distributed by the selected home agent when receiving the judgment of the user to switch to the selected home agent (p.5, [0077]); and a step of carrying out a mobile IP procedure using the selected home agent and the generated home address (p.5, [0077]).

As to **claim 2**, Yamada discloses an address information setting method according to claim 1, further comprising a step of acquiring router information from a network to which the mobile terminal is connected, when the user input is detected (p.5, [0070]).

As to **claim 3**, Yamada discloses an address information setting method according to claim 1, wherein in the selection of the home agent, the home agent is selected from among the routers whose flag indicating that it is a home agent

is on, this flag included in acquired information regarding the routers (p.2-3, [0039]).

As to **claim 4**, Yamada discloses an address information setting method according to claim 3, wherein in the selection of the home agent, from among the routers whose flag is on, a predetermined number of routers are selected according to a preference defined in advance, in order from one with a highest priority (p.3, [0042]).

As to **claim 5**, Yamada discloses an address information setting method according to claim 3, wherein in the selection step of the home agent, the home agent is selected arbitrarily from among the routers whose flag is on (p.2-3, [0039]).

As to **claim 6**, Yamada discloses an address information setting method according to claim 3, further comprising a step of acquiring, from a user, criteria for selecting the home agent from among the routers whose flag is on, wherein in the step of selecting a home agent, a home agent is selected according to the criteria (p.4, [0067]).

As to **claim 7**, Yamada discloses an address information setting method according to claim 1, further comprising a step of notifying the user when the selection of the home agent is completed (p.4, [0048], the on-communication address management table).

As to **claim 8**, Yamada discloses an address information setting method according to claim 2, wherein the selection of the home agent is performed using router information acquired during a time period designated by the user (p.3, [0044], binding management part).

As to **claim 9**, Yamada discloses a mobile terminal comprising: an input unit through which a user inputs a trigger for setting information regarding a home agent (p.5, [0068]); an information setting unit that selects a home agent to manage the mobile terminal from among routers to which the mobile terminal is connected when the mobile terminal receives the trigger (p.5, [0070]), the selected home agent being chosen from a list of the routers responsive to the user inputting the trigger (p.5, [0077]); a user judgment acquiring unit for acquiring a judgment of the user whether to switch to the selected home agent (p.5, [0068], [0069]); and mobile IP processing means that carries out a mobile IP procedure using the information regarding the home agent (p.5, [0077]), wherein the information setting unit sets the address of the home agent and a home address which is generated from a prefix distributed by the home agent as information regarding the home agent when receiving the judgment of the user to switch to the selected home agent (p.5, [0068], [0069], [0077]).

As to **claim 11**, Yamada discloses a mobile terminal according to claim 9, wherein the information setting unit selects the home agent from among routers whose flag indicating that the home agent is included in the router information of the router information response messages is on (p.2-3, [0039]).

As to **claim 12**, Yamada discloses a mobile terminal according to claim 11, wherein in the selection of the home agent, from among the routers whose flag is on, a predetermined number of routers are selected according to a preference defined in advance, in order from one with a highest priority (p.3, [0042]).

As to **claim 13**, Yamada discloses a mobile terminal according to claim 11, wherein the information setting unit selects the home agent arbitrarily from among the routers whose flag is on (p.2-3, [0039]).

As to **claim 14**, Yamada discloses a mobile terminal according to claim 11, wherein through the input unit the user enters selection criteria for the selection of the home agent to be performed by the information setting unit, and the information setting unit performs the selection of the home agent based on the selection criteria (p.4, [0067]).

As to **claim 16**, Yamada discloses a mobile terminal according to claim 9, further comprising a display unit that notifies the user that setting of information regarding the home agent is completed (p.4, [0048], the on-communication address management table).

As to **claim 17**, Yamada discloses a mobile terminal according to claim 9, wherein the input unit designates a time period in which information regarding the home agent is set, and the information setting unit sets the information only in the designated time period (p.3, [0044], binding management part).

As to **claim 19**, Yamada discloses an address information setting method according to claim 2, wherein in the selection of selecting the home agent, the home agent is selected from among the routers whose flag, indicating that it is the home agent, is on, the flag being included in acquired information regarding the routers (p.2-3, [0039]).

As to **claim 20**, Yamada discloses an address information setting method according to claim 19, wherein in the selection of the home agent, from among the routers whose flag is on, a predetermined number of routers are selected according to a preference defined in advance, in order from one with a highest priority (p.3, [0042]).

As to **claim 21**, Yamada discloses an address information setting method according to claim 19, wherein in the selection step of selecting the home agent, the home agent is selected arbitrarily from among the routers whose flag is on (p.2-3, [0039]).

As to **claim 22**, Yamada discloses an address information setting method according to claim 19, further comprising a step of acquiring, from a user, criteria for selecting the home agent from among the routers whose flag is on, wherein in the step of selecting the home agent, the home agent is selected according to the criteria (p.4, [0067]).

As to **claim 23**, Yamada discloses an address information setting method according to claim 2, further comprising a step of notifying a user when the

selection of the home agent is completed (p.4, [0048], the on-communication

address management table).

As to **claim 32**, Yamada discloses the method according to claim 1,

further comprising: indicating in the list of routers whether each home agent from

among the routers has capability to accommodate a mobile router (p.3, [0042]);

and establishing a connection of the mobile router to another home agent that

does not have the capability to accommodate the mobile router when the mobile

router changes operations from those of a mobile router function to those of a

mobile terminal function (p.4, [0055], [0056]).

As to **claim 33**, Yamada discloses the address information setting method

according to claim 1, further comprising storing acquired information from the

selected home agent when acquiring the judgment of the user not to switch to the

selected home agent (p.5, [0068], [0069]).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7.   **Claims 10, 15, 18, 24-31** are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent Application Publication No. 2004/0176095 A1 to Yamada

et al. ("Yamada") in view of U.S. Patent No. 7,277,416 B1 to Chang *et al.* ("Chang").

As to **claim 10**, Yamada discloses a mobile terminal according to claim 9.

Yamada does not expressly disclose further comprising: a transmitting unit

that transmits a router information request message for requesting router

information from a network to which the mobile terminal is connected, when the

trigger from the input unit is received; and a receiving unit that receives router

information response messages that are responses to the router information

request message, wherein the information setting unit selects a home agent to

manage the mobile terminal from among the routers that have transmitted the

router information response messages.

Chang discloses further comprising: a transmitting unit that transmits a

router information request message for requesting router information from a

network to which the mobile terminal is connected, when the trigger from the

input unit is received (column 5, lines 46-54); and a receiving unit that receives

router information response messages that are responses to the router

information request message, wherein the information setting unit selects a home

agent to manage the mobile terminal from among the routers that have

transmitted the router information response messages (column 6, line 56 -

column 7, line 16).

Yamada and Chang are analogous art because they are from the same

field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of

ordinary skilled in the art to use the request and response as taught by Chang.

The suggestion/motivation would have been in order to communicate from the

device.

Therefore, it would have been obvious to combine Yamada with Chang to

make the above modification.

As to **claim 15**, Yamada discloses a mobile terminal according to claim 9.

Yamada does not expressly disclose wherein the input unit is a soft key on

a screen, a button set in a main body, or a switch set in the main body.

Chang discloses wherein the input unit is a soft key on a screen, a button

set in a main body, or a switch set in the main body (column 16, lines 30-38).

Yamada and Chang are analogous art because they are from the same

field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of

ordinary skilled in the art to use the handset as taught by Chang. The

suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada with Chang to

make the above modification.

As to **claim 18**, Yamada discloses a mobile terminal according to claim

17.

Yamada does not expressly disclose wherein the time period is a period in

which a soft key, a button, or a switch used as the input unit is in an 'ON' state.

Chang discloses wherein the time period is a period in which a soft key, a

button, or a switch used as the input unit is in an 'ON' state (column 16, lines 59-

60).

Yamada and Chang are analogous art because they are from the same

field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of

ordinary skilled in the art to use the handset as taught by Chang. The

suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada with Chang to

make the above modification.

As to **claim 24**, Yamada as modified by Chang discloses a mobile

terminal according to claim 10, wherein the information setting unit selects the

home agent from among the routers whose flag, indicating that the home agent is

included in the router information of the router information response messages, is

on (Yamada, p.2-3, [0039]).

As to **claim 25**, Yamada as modified by Chang discloses a mobile

terminal according to claim 24, wherein in the selection of the home agent, from

among the routers whose flag is on, a predetermined number of routers are

selected according to a preference defined in advance, in order from one with a

highest priority (Yamada, p.3, [0042]).

As to **claim 26**, Yamada as modified by Chang discloses a mobile

terminal according to claim 24, wherein the information setting unit selects the

home agent arbitrarily from among the routers whose flag is on (Yamada, p.2-3,

[0039]).

As to **claim 27**, Yamada as modified by Chang discloses a mobile

terminal according to claim 24, wherein through the input unit the user enters

selection criteria for the selection of the home agent to be performed by the

information setting unit, and the information setting unit performs the selection of

the home agent based on the selected criteria (Yamada, p.4, [0067]).

As to **claim 28**, Yamada discloses a mobile terminal according to claim

10.

Yamada does not expressly disclose wherein the input unit is a soft key on

a screen, a button set in a main body, or a switch set in the main body.

Chang discloses wherein the input unit is a soft key on a screen, a button

set in a main body, or a switch set in the main body (column 16, lines 30-38).

Yamada and Chang are analogous art because they are from the same

field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to use the handset as taught by Chang. The suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada with Chang to make the above modification.

As to **claim 29**, Yamada as modified by Chang discloses a mobile terminal according to claim 10, further comprising a display unit that notifies the user that setting of information regarding the home agent is completed (Yamada, p.4, [0048], the on-communication address management table).

As to **claim 30**, Yamada as modified by Chang discloses a mobile terminal according to claim 10, wherein the input unit designates a time period in which information regarding the home agent is set, and the information setting unit sets the information only in the designated time period (Yamada, p.3, [0044], binding management part).

As to **claim 31**, Yamada discloses a mobile terminal according to claim 30.

Yamada does not expressly disclose wherein the designated time period is a period in which a soft key, a button, or a switch used as the input unit is in a state 'ON'.

Chang discloses wherein the designated time period is a period in which a

soft key, a button, or a switch used as the input unit is in a state 'ON' (column 16,

lines 59-60).

Yamada and Chang are analogous art because they are from the same

field of endeavor with respect to the communication of data by a mobile node.

At the time of invention, it would have been obvious to a person of

ordinary skilled in the art to use the handset as taught by Chang. The

suggestion/motivation would have been in order to communicate from the device.

Therefore, it would have been obvious to combine Yamada with Chang to

make the above modification.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to YUNGSANG LAU whose telephone number is

(571)270-3316. The examiner can normally be reached on Monday - Friday 9:30a.m. -

6:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rafael Perez Gutierrez can be reached on 571-272-7915. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YL

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617